KAREN P. HEWITT
United States Attorney
PAUL L. STARITA
Assistant United States Attorney
California State Bar No. 219573
United States Attorney's Office
880 Front Street, Room 6293
San Diego, California 92101-8893
Telephone: (619) 557-6507 / Fax: (619) 235-2757
Email: paul.starita@usdoj.gov

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. REYNALDO SANCHEZ-DIAZ (1), FORTINO AVILA-CONCHOLA (4), Defendants.	)	Criminal Case No. 08MJ8081 **UNITED STATES' MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE AS TO DEFENDANTS (1) AND (4)**

COMES NOW the Plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Paul L. Starita, Assistant United States Attorney, respectfully requests pursuant to Rule 48(a), Federal Rules of Criminal Procedure, that the Court dismiss without prejudice, the Complaint in the above-entitled case, as to Defendants REYNALDO SANCHEZ-DIAZ (1) and FORTINO AVILA-CONCHOLA (4), only. This motion is made in the interest of justice.

DATED: February 6, 2008.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

/s/ *Paul L. Starita*
PAUL L. STARITA
Assistant United States Attorney

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff v. REYNALDO SANCHEZ-DIAZ (1), FORTINO AVILA-CONCHOLA (4), Defendants.	Criminal Case No. 08MJ8081 CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Paul L. Starita, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **UNITED STATES' MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE AS TO DEFENDANTS (1) AND (4)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

1. Erica K. Zunkel, Esq.

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

N/A

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 2008.

/s/ *Paul L. Starita*
PAUL L. STARITA
Assistant United States Attorney